



10/810,547

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: THOMPSON ET AL. Original Patent No.: 6,363,200 B1  
Original Patent Filing Date: OCTOBER 13, 2000 Original Patent Issue Date: MARCH 26, 2002  
Reissue Application Filing Date: MARCH 26, 2004 Attorney Docket No.: 2316.926USRE  
Reissue Serial No.: 10/810,547  
Title: OUTSIDE PLANT FIBER DISTRIBUTION APPARATUS AND METHOD

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on MAY 25, 2007.

By: Carlo J. Catalano  
Name: CARLO J. CATALANO

PETITION

under 37 C.F.R. §1.47(a)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §1.47(a), applicants Patrick Thompson and Anthony L. Tischler, hereby request that the Substitute Reissue Declaration filed in the above-referenced application be accepted on behalf of nonsigning inventor, Brian L. Johnson, last known address, 7670 Berkshire Way, North, Maple Grove, MN, 55311. Mr. Johnson cannot be found or reached after diligent efforts, as described in the accompanying Statement of Facts. Accordingly, Applicants request that the Reissue Declaration filed herewith, including a blank signature block for Mr. Johnson with his last known address listed, be treated as having been signed on behalf of Mr. Johnson by the signing inventors, as provided in MPEP §409.03(a).

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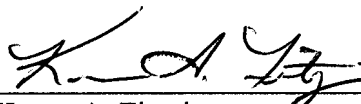
Enclosed is a check for \$200.00 as required under 37 C.F.R. §1.17(g) for the petition fee.

Respectfully submitted,



MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: May 25, 2007

  
\_\_\_\_\_  
Karen A. Fitzsimmons  
Reg. No. 50,470



S/N 10/810,547

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By: Carla J. Catalano  
Name: CARLA J. CATALANO

**SUBSTITUTE REISSUE DECLARATION**  
**FOR U.S. PATENT 6,363,200 B1**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We, Patrick Thompson, Brian L. Johnson, and Anthony L. Tischler, declare as follows:

- 1 a. I, Patrick Thompson, am a citizen of the United States of America,  
residing at: 1259 Roma Avenue  
Roseville, Minnesota 55113;  
  
which address is also my mailing address.
- b. I, Brian L. Johnson, am a citizen of the United States of America,  
residing at: 7670 Berkshire Way North  
Maple Grove, Minnesota 55311;  
  
which address is also my mailing address.

c. I, Anthony L. Tischler, am a citizen of the United States of America,  
residing at: 11667 West Point Douglas Road  
Hastings, Minnesota 55033;

which address is also my mailing address.

2. We are the original and first inventors of the invention described in Letters Patent No. 6,363,200 B1, granted March 26, 2002, and described and claimed in the present reissue application for which we have solicited a reissue patent.

3. We have reviewed and understand the contents of the specification and claims of this application, including all of claims 1, 2-10, 12-16, 35-39, 49-51 and 53-68 currently pending. We believe the above-identified patent is partially inoperative by reason of claiming less than we had the right to claim in the patent. Specifically, we believe that we are entitled to broader claims than the claims that were presented in the above-mentioned patent. More specifically, it was an error to have required the limitations of "a cable clamp" and "a cable notch region" in claim 1, which limitations are overly narrowing and not required for patentability.

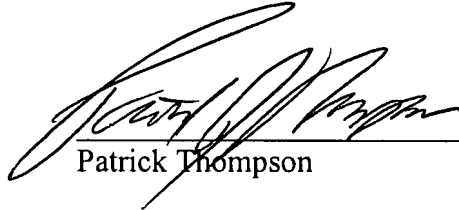
4. All errors being corrected in this reissue application by any and all amendments arose without any deceptive intention on our part.

5. We acknowledge the duty to disclose information that is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the

United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 5/7/07

  
\_\_\_\_\_  
Patrick Thompson

Date: \_\_\_\_\_

\_\_\_\_\_  
Brian L. Johnson

Date: \_\_\_\_\_

\_\_\_\_\_  
Anthony L. Tischler



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By: Carla J. Catalano  
Name: CARLA J. CATALANO

**SUBSTITUTE REISSUE DECLARATION**  
**FOR U.S. PATENT 6,363,200 B1**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We, Patrick Thompson, Brian L. Johnson, and Anthony L. Tischler, declare as follows:

- 1 a. I, Patrick Thompson, am a citizen of the United States of America,  
residing at: 1259 Roma Avenue  
Roseville, Minnesota 55113;  
  
which address is also my mailing address.
- b. I, Brian L. Johnson, am a citizen of the United States of America,  
residing at: 7670 Berkshire Way North  
Maple Grove, Minnesota 55311;  
  
which address is also my mailing address.

c. I, Anthony L. Tischler, am a citizen of the United States of America,  
residing at: 11667 West Point Douglas Road  
Hastings, Minnesota 55033;

which address is also my mailing address.

2. We are the original and first inventors of the invention described in Letters Patent No. 6,363,200 B1, granted March 26, 2002, and described and claimed in the present reissue application for which we have solicited a reissue patent.

3. We have reviewed and understand the contents of the specification and claims of this application, including all of claims 1, 2-10, 12-16, 35-39, 49-51 and 53-68 currently pending. We believe the above-identified patent is partially inoperative by reason of claiming less than we had the right to claim in the patent. Specifically, we believe that we are entitled to broader claims than the claims that were presented in the above-mentioned patent. More specifically, it was an error to have required the limitations of "a cable clamp" and "a cable notch region" in claim 1, which limitations are overly narrowing and not required for patentability.

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6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the

United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: \_\_\_\_\_

\_\_\_\_\_  
Patrick Thompson

Date: \_\_\_\_\_

\_\_\_\_\_  
Brian L. Johnson

Date: May 21, 2007

  
\_\_\_\_\_  
Anthony L. Tischler





S/N 10/810,547

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First Named Inventor: THOMPSON ET AL. Original Patent No.: 6,363,200 B1  
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By: Carla J. Catalano  
Name: CARLA J. CATALANO

**STATEMENT OF FACTS**  
**IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR**  
**( 37 C.F.R. 1.47)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the substitute declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

**Identification of Person Making this Statement of Facts**

Karen A. Fitzsimmons  
Attorney for Patent Assignee ADC Telecommunications, Inc.  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903

**Last Known Address of the Nonsigning Inventor**

Brian L. Johnson, a citizen of the United States of America  
7670 Berkshire Way North  
Maple Grove, Minnesota 55311

**Details of Efforts to Reach Nonsigning Inventor**

On March 26, 2004, a request for reissue was filed with regard to U.S. Patent No. 6,363,200, including new claims added by preliminary amendment. As required by 37 C.F.R. §§1.63, and 1.175, a reissue declaration was prepared for execution by the named inventors of the above-referenced application. The reissue declaration was signed by two of the three named inventors, Patrick Thompson and Anthony L. Tischler. Brian L. Johnson refused or was unavailable to sign. The U.S. Patent Office **GRANTED** a Petition to accept the application under 37 CFR 1.47(a) in the absence of the signature of joint inventor Johnson.

The application is proceeding through examination. In the most recent Office Action of March 30, 2007, the Examiner stated that the reissue declaration is defective, in part because amendments were made to the claims after the filing of the reissue declaration. Applicants have accordingly herewith submitted a second substitute declaration.

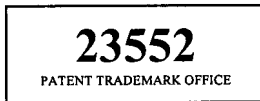
A copy of the second substitute declaration, along with a copy of each of the amendments made during examination, was mailed to the three named inventors. Patrick Thompson and Anthony L. Tischler both signed the substitute declaration stating that they are inventors of the invention claimed in the currently pending claims and that the errors upon which the reissue application is based were made without deceptive intent.

On May 14, 2007, the mailing package to Brian Johnson was returned to me as being "Undeliverable." A copy of the letter accompanying the substitute declaration, patent, and claim amendments is attached herewith. The letter is dated May 1, 2007 and was mailed to his last

known address. I contacted inventor Patrick Thompson inquiring as to any known forwarding address for inventor Johnson; Mr. Thompson did not know of any forwarding address.

On May 14, 2007, I attempted to contact Mr. Johnson at his last known telephone number, (763) 494-3109. The telephone number is no longer in service.

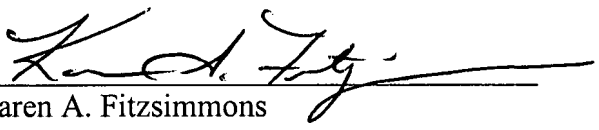
To date, I have not been able to find or reach inventor Brian L. Johnson.



Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: May 25, 2007

  
Karen A. Fitzsimmons  
Reg. No. 50,470



# Merchant & Gould

An Intellectual Property Law Firm

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[kfitzsimmmons@merchantgould.com](mailto:kfitzsimmmons@merchantgould.com)

May 1, 2007

Brian L. Johnson  
7670 Berkshire Way North  
Maple Grove, Minnesota 55311

Re: M&G 2316.926-US-RE  
Reissue Application for U.S. Patent No. 6,363,200 in the United States  
OUTSIDE PLANT FIBER DISTRIBUTION APPARATUS AND METHOD

Dear Brian:

As you know, we represent ADC Telecommunications, Inc. in connection with the above referenced matter. This matter relates to a patent filed while you were employed by ADC Telecommunications, Inc. In this matter, you are listed as an inventor.

You may recall that we filed a reissue patent application entitled "Outside Plant Fiber Distribution Apparatus and Method" for U.S. Patent No. 6,363,200, in which new claims 10-34 were added. A copy of U.S. Patent No. 6,363,200 is attached for your convenience.

The reissue application has proceeded through examination. During examination, amendments were made to the claims, including the addition of new claims 35-68. The amendments are shown in the attached seven documents listed below under Enclosures.

Because amendments were made to the originally filed claims, a new Declaration must be submitted to the United States Patent Office. Enclosed is a Substitute Reissue Declaration concerning the claims as currently pending.

Please review the Substitute Declaration, and the associated Amendment documents, and sign the Substitute Declaration where indicated. Kindly return the signed Declaration to me in the postage-paid envelope enclosed with this letter.

Each inventor has a duty of disclosure to the Patent Office pursuant to Rule 56 (a copy of which is attached) as noted in the Declaration. If you have any prior art information not already delivered to ADC, please send it to me.

Minneapolis/St. Paul  
Denver  
Seattle  
Atlanta  
Washington, DC

Brian L. Johnson  
May 1, 2007  
Page 2

Please call me at (612) 371-5340, or Steve Bruess at (612) 336-4711, or Mike Ouyang at (952) 917-0577 if you have any questions. Kindly return the signed Declaration to me at your earliest convenience, and preferably no later than **May 10, 2007**.

Very truly yours,  
MERCHANT & GOULD P.C.

  
Karen A. Fitzsimmons

Enclosures:

U.S. Patent 6,363,200

Seven Amendments:

1. Amendment and Response dated January 23, 2006
2. Amendment under 37 C.F.R. 1.116 dated June 19, 2006
3. Amendment and Response dated September 5, 2006
4. Preliminary Amendment dated October 25, 2006
5. Supplemental Preliminary Amendment dated October 31, 2006
6. Second Supplemental Preliminary Amendment dated December 21, 2006
7. Amendment and Response dated February 27, 2007

Substitute Reissue Declaration

Copy of Rule 56

Postage-paid envelope

cc: Richard R. Carlson, ADC Telecommunications, Inc. (w/o encls.)  
Michael Ouyang, Esq., ADC Telecommunications, Inc. (w/o encls.)  
Steven C. Bruess, Esq., Merchant & Gould P.C. (w/o encls.)